

REMARKS

The Examiner's action dated January 19, 2005, has been received, and its contents carefully noted. In order to advance prosecution, claim 1 has been amended to more clearly define the contribution of the invention over the prior art and claim 2 has been amended to correct a minor informality therein.

The rejection of claims 1-4 as unpatentable over Englert in view of Flynn is traversed for the reason that the transceiver now defined in claim 1 is not disclosed in or suggested by any reasonable combination of the teachings of the applied references.

Claim 1 has been amended to more clearly define a particular novel feature of the invention, which is disclosed in detail in the Specification, at page 5, line 27 to page 6, line 23. According to this feature of the invention, the carrier frequency used to transmit messages is changed automatically from one communication to the next, independently of any action by the sender. The result, as explained on page 6 of the Specification, is to increase the difficulty of illegally tapping a communication.

In order to better define this feature of the invention, claim 1 has been amended to define means that are operative such that after a first communication at a first

carrier frequency, transmission during a succeeding second communication is always automatically caused to occur at a second carrier frequency different from the first carrier frequency. As previously defined in claim 1, this produces the result that different carrier frequencies are used for successive transmitting operations.

Such an operation is not disclosed in either of the applied references. In this connection, it is noted that Flynn was relied upon only for its teaching of including an identification number in a transmission, which does not relate to the novel feature now defined in claim 1.

As regards Englert, during any one communication, transmission will occur either on the channel on which a talk signal is being received or on a designated priority channel. It is therefore quite possible, and even inevitable, that successive communications will occur on the same channel, whenever, during successive communications, talk signals are received on the same channel or communications are conducted over the priority channel.

In other words, Englert does not disclose the means now recited in claim 1 for automatically causing transmission to always occur at a second carrier frequency during a communication that succeeds a previous communication. It follows that the system disclosed by Englert is incapable of

defeating illegal tapping to the same extent as the transceiver according to the present invention.

As regards the secondary reference, Flynn, it appears that this is directed to a radio communication system in which each transceiver operates at a preselected frequency.

In view of the foregoing, it is submitted that claim 1 clearly distinguishes patentably over the applied references and it is therefore requested that the prior art rejection be reconsidered and withdrawn, that claims 1-4 be allowed and that the Application be found in allowable condition.

If the above amendment should not now place the application in condition for allowance, the Examiner is invited to call undersigned counsel to resolve any remaining issues.

Respectfully submitted,

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